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DAVE FREUDENTHAL
GOVERNOR

Public Service Commission

HANSEN BUILDING, SUITE 300

2515 WARREN AVENUE

CHEYENNE, WYOMING 82002

(307) 777-7427

FAX (307) 777-5700

TTY (307) 777-5723

<http://psc.state.wy.us>

COMMISSIONERS

KATHLEEN "CINDY" LEWIS, Chairman
STEVE OXLEY, Deputy Chairman
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Secretary and Chief Counsel

September 29, 2008

The Honorable, Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

Ms. Karen Majcher – Vice President
Universal Service Administrative
Company
2000 L Street, NW, Suite 200
Washington, DC 20036

RE: Residential Rate Comparability Certification for Wyoming's Non-Rural
Incumbent Local Exchange Carrier Serving in Rural Areas within Wyoming
Pursuant to 47 C.F.R. § 54.316
(CC Docket No. 96-45)

Dear Secretary Dortch and Ms. Majcher:

The Wyoming Public Service Commission (WyPSC) hereby submits, pursuant to 47 C.F.R. § 54.316, its residential rate comparability certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC). 47 C.F.R. § 54.316, *Rate comparability review and certification for areas served by non-rural carriers*, requires state commissions to annually review the comparability of residential rates in rural areas of the state served by non-rural incumbent local exchange carriers to urban rates nationwide. Qwest Corporation (Study Area Code 515108) is the only non-rural incumbent local exchange carrier in Wyoming; and Qwest also serves in the rural areas of the state. 47 C.F.R. § 54.316 further requires the WYPSC to certify to the FCC and the USAC whether rates are reasonably comparable pursuant to the universal service principles contained in section 254(b)(3) of the federal Telecommunications Act of 1996.

This residential rate review and certification is pursuant to the FCC's expanded certification process contained in the FCC's *Order on Remand, Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order*, CC Docket No. 96-45, FCC 03-249 released October 27, 2003 (commonly referred to as the *Remand Order*). The nationwide urban rate benchmark equals the most recent average urban rate plus two weighted average standard deviations. The average urban rate and standard deviation are found in the most recent *Reference Book of Rates, Price Indices, and Expenditures for Telephone Service* published by the

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Wireline Competition Bureau of the FCC. For this certification, the nationwide urban rate benchmark is \$37.36 per month.

Exhibit 1 to this filing is a presentation of the Basic Service Rate Template for Wyoming as more fully described in the Joint Board's Recommended Decision, in ¶ 86 of the FCC's *Remand Order* and as contained in Appendix F to the *Remand Order*. This Exhibit presents, in detail, the residential rate data for the most rural areas (Rural Zone 3) in Wyoming as required by the *Remand Order* and 47 C.F.R. § 54.316. This Exhibit shows these rural residential customers served by the Wyoming non-rural incumbent local exchange carrier pay a monthly rate of \$49.50, or 132 percent (132%) of the nationwide urban rate benchmark. Because of the manner in which federal support is targeted, residential customers located in Rural Zone 1 and Rural Zone 2 also pay the monthly rate of \$49.50. One hundred percent (100%) of the federal high cost support received by Qwest in Wyoming is reflected as an explicit and direct bill credit to its rural customers. Based on these facts, the methods in which the average urban rate was calculated and the rate comparison requirements of the *Remand Order*, the Wyoming Commission concludes that its rural residential rates are not reasonably comparable to the nationwide urban rate benchmark. Another factor influencing the rate comparison is the continued presence of substantial amounts of implicit subsidies in local rates constituting the average urban rate and the nationwide urban rate benchmark.

There are several reasons why the rates are not reasonably comparable, with the main factor being that Wyoming has cost-based rates for its rural areas and no other state does (a fact recognized several times by the FCC in the *Remand Order*). The WYPSC has fully implemented the pro-competitive statutory mandates of the Wyoming Telecommunications Act of 1995 (W.S. §§ 37-15-101, *et seq.*). In the 1995 Wyoming Act, W.S. § 37-15-402 required cost-based pricing for all retail telecommunications services in Wyoming; W.S. § 37-15-403 prohibited cross subsidies and eliminated implicit subsidies; and W.S. § 37-15-501 established the Wyoming Universal Service Fund. Qwest now has in place de-averaged cost-based residential rates with all implicit subsidies removed from residential rates and the WYPSC has fully implemented the explicit subsidy support program – the Wyoming Universal Service Fund. The residential rate shown on Exhibit 1 to this certification reflects the truly high cost, rural nature of much of Wyoming.

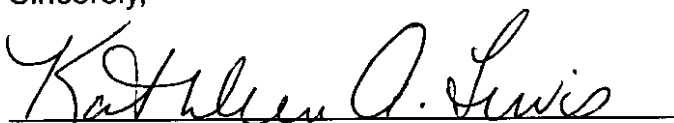
Wyoming's telecommunications statutes were significantly amended in 2007 and are now referred to as the Wyoming Telecommunications Act. The cost-based pricing requirements (W.S. § 37-15-402), and the cross subsidization prohibitions (W.S. § 37-15-403) were repealed, largely to allow companies more pricing freedom to respond to competition. Other safeguards were put into place, and Qwest's pricing plan has not been changed. Its rates are without implicit subsidies, remain de-averaged and are still cost-based. Our conclusions therefore remain correct and the disparity described above remains accurate.

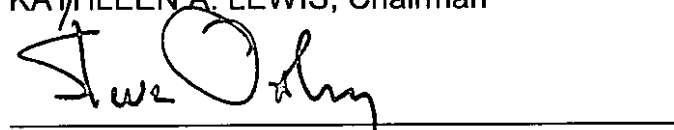
The WYPSC pursued a remedy for this residential rate disparity through its

request for further federal action, provided to state commissions in Part IV.D.2.e. of the *Remand Order*. On December 21, 2004, the WYPSC, along with the Wyoming Office of Consumer Advocate, filed with the FCC a *Joint Petition for Supplemental Federal Universal Service Funds for Customers of Wyoming's Non-Rural Incumbent Local Exchange Carrier (Joint Petition)*. In the *Joint Petition*, the WYPSC provided a summary of the background, circumstances and history of the WYPSC's request for additional federal universal service funds. The *Joint Petition* clearly demonstrates Wyoming has taken all necessary steps to achieve reasonable comparability through our actions and the application of existing federal support. In response to the *Joint Petition*, the FCC opened a proceeding and established a pleading cycle on February 14, 2005, in CC Docket 96-45, to address the issues raised by the WYPSC. That proceeding is currently pending before the FCC.

The WYPSC looks forward to working with the FCC, the USAC and all other interested parties in maintaining the universal service goals and principles of Section 254 of the federal Telecommunications Act of 1996 and in achieving residential rate comparability in Wyoming.

Sincerely,


KATHLEEN A. LEWIS, Chairman


STEVE OXLEY, Deputy Chairman


MARY BYRNES, Commissioner

Exhibit 1

**Wyoming Public Service Commission
Rate Comparability Analysis
Residential Rate Data
Pursuant to 47 C.F.R. § 54.316**

Residential Customers in Rural Areas of Wyoming Served by the
Non-Rural Incumbent Local Exchange Carrier (Qwest Corp.)

Rate, Surcharges, Credits and Taxes as of July 2008:

Basic Residential Access Line Rate	\$69.35
Federal Universal Service Fund Credit	(\$28.70)
Wyoming Universal Service Fund Credit	<u>(\$5.55)</u>
Net Residential Rate Subject to Mandatory Surcharges and Taxes	\$35.10
Federal Subscriber Line Charge	\$6.50
Federal Universal Service Fund Surcharge	\$3.51
Wyoming Universal Service Fund Surcharge	\$0.69
Telecommunications Relay System Surcharge	\$0.06
Wyoming Lifeline Program Surcharge	\$0.15
E911 Emergency Calling System Tax	\$0.75
Federal Excise Tax	\$1.05
Wyoming State Sales Tax	<u>\$1.68</u>
Total Basic Residential Service Rate to Customer	<u>\$49.50</u>